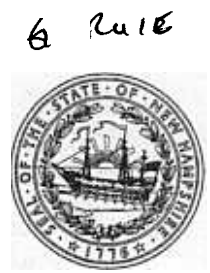




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-1370 FAX (603) 271-1381

September 30, 2003



**CERTIFIED MAIL**  
**7099 3400 0002 9774 0849**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 03-28**

Profile Motors, Inc.  
P.O. Box 2220  
Conway, New Hampshire 03818

Attn: Mr. Ronald Petell, Owner

**Re: Profile Motors, Inc**  
**Conway, New Hampshire**  
**EPA ID # NHD986473247**

Dear Mr. Petell

On July 15, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Profile Motors, Inc. (Profile Motors). The purpose of the inspection was to determine Profile Motors' compliance status with RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1 Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed for the waste fluorescent lamps generated at Profile Motors. DES also verified that the waste lamps were disposed of in the facility dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Profile Motors test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. The analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846.

Alternatively, Profile Motors may elect to manage the waste lamps as “universal waste”, in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-7, “Universal Waste Lamps: Management Requirements for Handlers and

Transporters", and a DES "Fluorescent Lamp and Ballast Recycling Facility" list to aid you with the determination.

Profile Motors will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses; or information indicating that the lamps are being handled as a universal waste in accordance with Env-Wm 1100.

2. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycle

At the time of the inspection, one (1) 25-gallon container of used oil, located under the oil filter crusher, destined for recycling, was not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Profile Motors label all containers of used oil destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

3. Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, the one (1) 25-gallon container of used oil located under the oil filter crusher and the two (2) oil change buckets of used oil, destined for recycling, were not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requests that all containers and tanks be kept closed at all times except to add or remove used oil. Safety funnels that thread into the bung and have closeable lids that seal are acceptable for this purpose.

4. Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, Profile Motors had not performed a used oil determination for the used oil skimmed from the Cuda Steam Machine Parts Cleaner.

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCBs if no source of PCBs is present).

DES requests that Profile Motors conduct an initial used oil determination for the unknown "Oil Waste" using parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. Profile Motors should provide the results of the used oil determinations to DES. Enclosed please find

a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

5 Env-Wm 809.02 - Standards for Spent Lead-Acid Batteries Being Reclaimed

At the time of the inspection, Profile Motors was storing automotive lead-acid batteries stacked on the facility floor in a manner that subjected them to potential damage and/or breakage.

Env-Wm 809.02 requires that generators and collectors of spent lead-acid batteries, destined for reclamation, store the batteries in a manner designed to ensure that battery housings do not break or leak acid onto the soil or into any ground waters or surface waters.

DES requests that Profile Motors store waste automotive batteries in a safe manner during storage and accumulation. This includes, but is not limited to, storing the batteries in a manner to prevent any caps from breaking.

Alternatively, Profile Motors may elect to manage the waste batteries as a universal waste in accordance with Env-Wm 1109- Universal Waste Batteries. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-18 "Universal Waste Batteries- Requirements for Handlers and Transporters" to aid you in evaluating your possible options.

At the time of the inspection, no waste except for the skimmed oil had been generated from the operation of the Cuda Steam Machine Parts Cleaner. If at any time waste is generated from this operation, Profile Motors must conduct a hazardous waste determination. This includes, but is not limited to, the Cuda Steam Machine Parts Cleaner Sludge. DES believes the analyses most appropriate for this waste stream to be, at a minimum, Toxicity Characteristic Leaching Procedure (TCLP) for RCRA metals and organics under Env-Wm 403.06, and ignitability, under Env-Wm 403.03.

At the time of the inspection it was also noted that Profile Motors has floor drains in the service bays of their facility. Ron Petell, owner of Profile motors, stated that the wash water in the floor drains was pumped to the parking lot and allowed to evaporate. By copy of this letter, this issue has been referred to DES's Water Division (WD). Depending on the chemical composition and eventual fate of the floor drain waste, this practice may be subject to regulatory requirements by the WD. DES expects Profile Motors to pursue the issue of the discharge of the floor drains and any registration that may be necessary by contacting Jeff Andrews of the WD at 271-2984.

At the time of the inspection, Profile Motors stated that they burn used oil in an industrial furnace. Profile Motors has notified DES of their used oil burning activities using a New Hampshire Notification form. Env-Wm 807.10(b)(3) also requires owners and operators who intend to burn used oil fuel to notify the Department of Environmental Services Air Resources Division ("Air Resources Division") to secure any required permits prior to burning such fuels. Enclosed please find an excerpt from the Air Resources Division "Frequently Asked Questions" fact sheet which contains information for complying with the requirements of Env-Wm 1400 Regulated Toxic Air Pollutants.

The July 15, 2003 inspection revealed that Profile Motors generates contaminated wipers from cleaning automotive parts. According to Mr. Petell, the wipers are collected for laundering by an outside contractor. Inspectors observed Profile Motors' storage of contaminated wipers in several collection containers located throughout the facility. At the time of the inspection, the collection containers were closed; however, all containers were not marked with the words "Contaminated Wipers for Laundering." Inspectors advised Mr. Petell that contaminated wipers, generated at the facility, are subject to the DES "Contaminated Cloth Wipers for Laundering" Fact Sheet (WMD-HW-6) which was provided during the inspection.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Profile Motors can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Profile Motors, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
P.O. Box 95  
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Linda Birmingham or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Thank you for your cooperation.

Sincerely,

  
Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

cc: DB/RCRA/LOD/Archives  
Philip J. O'Brien, Ph.D., P.G., Director, WMD  
Gretchen Rule, Esq., Administrator, DES Legal Unit  
Jeff Andrews, DES, WD

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist  
DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements..."  
DES "Fluorescent Lamp and Ballast Recycling Facility" list  
NHDES List of "Laboratories that Perform Used Oil Analysis"  
NHDES "Summary of the Requirements for Management of Used Oil Being Recycled"  
Environmental Fact Sheet #WMD-HW-18 "Universal Waste Batteries- Requirements for Handlers and Transporters"